

### **REMARKS**

Claims 1-29, 31, 33, 35, 37, 39, 41, and 43 are pending in this application. Claims 1, 8, 15-19, 24, 29, 31, 33, 35, 37, 39, 41, and 43 are independent. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1-20, 22-25, 27-29, 31, 33, 35, 37, 39, 41, and 43 under 35 U.S.C. § 103(a) as being unpatentable over *Montanari et al.* (USP 5,478,990) in view of *Hudetz et al.* (USP 5,978,773); and rejected claims 21 and 26 under 35 U.S.C. § 103(a) as being unpatentable over *Montanari et al.* in view of *Hudetz* and further in view of *Cusack et al.* (USP 6,493,724). Applicant respectfully traverses these rejections.

### **Claim Rejections - 35 U.S.C. § 103**

By this amendment, Applicant has amended claim 1 to recite, *inter alia*, a label information providing method including storing label information related to a label, which shows at least commodity information and image information enabling restoration of the label affixed to the commodity, in storage means by type of the commodity to which the label is affixed.

The Examiner rejects claim 1 citing to *Montanari et al.* and *Hudetz et al.* The disclosure of *Montanari et al.* is directed to a computer with a database that enables the tracking of food products to enable verification of product origination and to trace back the source of pathogens. Individual animals are tagged with a unique code and the code is maintained throughout the animals growth slaughter and processing (Abstract). Once the food product is transferred to a retailer, which includes the unique identification information, a consumer could contact the fabricator who sold the meat and have the fabricator search the computer database for information related to the purchase, fabrication, slaughter and feeding of the animal (col. 17, lines 47-56). However, there is no teaching or

suggestion in *Montanari et al.* that is directed to storing label information related to a label, which shows at least commodity information and image information enabling restoration of the label affixed to the commodity.

The disclosure of *Hudetz et al.* is directed to a system and method for using an ordinary article of commerce to access a remote computer. At col. 10, line 62 through col. 11, line 8, *Hudetz et al.* discloses as follows:

To operate software 130, a user (not shown) enters an alphanumeric address such as sample@www.com. Browser software 130 sends service provider 124 a request for the information contained at address corresponding to the mnemonic sample@www.com. As explained above, that mnemonic address belongs to remote server 128.

Using the address sample@www.com, service provider 124 routes the request to remote server 128 via communication link 126. Remote server 128 responds by sending the desired information via communication link 126 to service provider 124, which relays the information to computer 114 via modem 116 and telephone link 122. Once the information is received by computer 114, browser software 130 displays the information in a useful format for the user.

However, there is no teaching or suggestion in *Hudetz et al.* that is directed to storing label information related to a label, which shows at least commodity information and image information enabling restoration of the label affixed to the commodity.

As neither of the references, either alone or in combination, teach or suggest all of the claim elements, Applicant respectfully submits that claim 1 is not obvious over the references as cited by the Examiner. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-7 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claims 8, 15-19, 24, 29, 31, 33, 35, 37, 39, and 41 include elements similar to those discussed above with regard to claim 1, and thus these claims, together with claims dependent thereon, are not obvious over *Montanari et al.* in view of *Hudetz et al.*

**Conclusion**

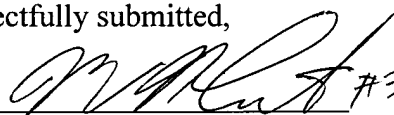
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: May 10, 2006

Respectfully submitted,

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